

KATHLEEN M. CORRELL, OSB #871989
Attorney at Law
Correll & Associates
PO Box 13351
Portland, OR 97213
Tel: 503.284.0763 Fax: 503-44-2084
Email: kmc@kmc-correllattny.com

LAURIE BENDER, OSB#88157
Laurie Bender, P.C.
The Strowbridge Building
735 S.W. First Avenue, 2nd Floor
Portland, Oregon 97204
Tel: (503) 503.241.7075 Fax: 503.241.1768
Email: lbenderlaw@aol.com

OF ATTORNEYS FOR HOLLY ANN GRIGSBY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

HOLLY ANN GRIGSBY,
Defendant.

No. 3:12-cr- 00431-02 (HA)

DECLARATION OF COUNSEL
SUPPORTING DEFENDANT GRIGSBY'S
MOTION TO CONTINUE TRIAL DATE

Kathleen M. Correll, declares under the penalty of perjury that the following information is true and accurate to the best of my knowledge and belief:

1) I am one of the two Criminal Justice Act (CJA) counsel appointed to represent defendant Holly Ann Grigsby in the above-entitled case. In this declaration, I set forth information to support Ms. Grigsby's Unopposed Motion to Continue Trial Date.

2) The current case schedule is as follows:

1—DECLARATION OF COUNSEL SUPPORTING DEFENDANT GRIGSBY'S MOTION
TO CONTINUE TRIAL DATE

- March 3, 2014: Status Conference;
- March 11-12, 2014: Evidentiary hearing on defense motion for finding of government bad faith concerning discovery;
- April 7-9, 2014: Sealed evidentiary hearing on Government Sixth Amendment violations;
- July 7-August 1, 2014: Trial

3) On February 27, 2014, the parties conferred about issues relevant to the upcoming discovery and Sixth Amendment hearings.

4) During that conferral meeting, US Attorney Marshal advised counsel that the Government was preparing to release another large set of discovery to defendants, originating from the Oregon State Police. Ms. Marshal also advised that additional significant discovery may also be forthcoming from the FBI. Finally, Ms. Marshal advised that the discovery audit was not complete, and that the Government would provide the Court with additional audit progress details at the March 3, 2014 status conference.

5) Based on this information, Ms. Grigsby's counsel advised she would move the Court to reset the July 7, 2014 trial date so the new discovery could be digested by Ms. Grigsby's defense team, and pretrial motions scheduled and heard. Ms. Grigsby's counsel did not believe this could all be accomplished before the currently scheduled July 2014 trial date.

6) Ms. Marshall responded that, due to the late discovery disclosure, the Government would not object if Ms. Grigsby filed such a motion. Mr. Pedersen's counsel have conferred with him and advise that he opposes this motion.

7) Relative to Ms. Grigsby's continuance motions, the parties discussed a potential litigation schedule for the case, should the Court grant this motion. These dates, however, cannot be firmly set until more information about the Government's discovery audit progress is

obtained. Nonetheless, the following dates are presented for the Court's consideration:

- July 7, 2014: Deadline for filing of substantive motions (motions to dismiss or suppress)
- August, 2014: Deadline for filing of evidentiary or trial motions;
- Late September/Early October: Jury trial.

8) Ms. Grigsby's motion is made in good faith, and in an attempt to reasonably balance the important competing interests in the case.

DATE: February 28, 2014, 2014.

s/ Kathleen M. Correll

Kathleen M. Correll, OSB 871989
Of Attorneys for Defendant Holly Grigsby

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF COUNSEL SUPPORTING DEFENDANT GRIGSBY'S MOTION TO CONTINUE TRIAL DATE**, on the following attorneys by electronic case filing, a full and correct copy thereof on the 28th day of February 2014:

Ms. Amanda Marshall
United States Attorney for Oregon
Scott Asphaug
Assistant United States Attorney
Suite 600
1000 SW Third Avenue
Portland, OR 97204-2902

Renee Manes
Federal Public Defender's Office
101 SW Main St, Ste 1700
Portland, OR 97204

Mr. Richard Wolf, PC
12940 NW Marina Way, Slip A
Portland, OR 97231

s/ Kathleen M. Correll

Kathleen M. Correll
Of Attorneys for Defendant Holly Grigsby

CERTIFICATE OF SERVICE